

Initially, applicant notes the restriction requirement set forth by the Examiner in the present application is based on the grounds that the application contains claims that are directed to more than one species of the generic invention. As such, if a claim to the generic invention is allowed, claims to additional species dependent on the claim to the generic invention will also be allowed.

Notwithstanding, the Examiner set forth six (6) species of annular closing members in Part A of the restriction and three (3) species of cover plate shapes in Part B. In doing so, the Examiner has required the applicant to elect a species from each of Part A and Part B and provide a listing of all claims readable thereon.

Applicant respectfully traverses the restriction requirement on the grounds that the species all contain the same or corresponding technical feature in the form of a combination of a cover plate and an annular closing member with a peripheral portion attached to the cover plate by a fixing portion. Moreover, the shape of the cover plate is not considered to be limiting, since the intention is merely to cover a container.

Although applicant expects that a generic claim will be found to be allowable, applicant elects and that the restriction will ultimately be rendered moot, applicant herein elects the species found in Figures 8-10, referred to as Species A6 by the Examiner, and the circular configuration, referred to as Species B1 by the Examiner. Applicant submits that all of the present claims correspond to both Species A6 and B1 elected herein.

Of course, many of these claims read on more than one species. However, these are considered generic and read on each of the species, and in doing so correspond to the elected species.

In light of the foregoing, applicant respectfully submits that the present claimed application is in proper form for examination. Favorable consideration and early allowance is respectfully requested and earnestly solicited.

Respectfully submitted,

/kenneth f. florek/

Kenneth F. Florek
Reg. No. 33,173

CONTACT INFORMATION

Hedman & Costigan, P.C.
1185 Avenue of the Americas
New York, NY 10036
Telephone: (212) 302-8989
Facsimile: (212) 302-8998
Email: ipdocket@hgcpatent.com